



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Adding Chapter 9.08 to the Lodi Municipal Code Relating to Protection of Public Trees, Shrubs and Plants

MEETING DATE: October 1, 1997

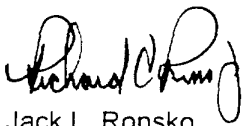
PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council introduce the attached Ordinance entitled Protection of Public Trees, Shrubs and Plants Ordinance which would establish Chapter 9.08 in the Lodi Municipal Code.

BACKGROUND INFORMATION: The City of Lodi requires specific language within the Lodi Municipal Code establishing guidelines and procedures which will eliminate inadequacies currently hampering enforcement by staff to protect the City's substantial investment in trees, shrubs and plants from other than their intended use.

This addition should prohibit the use of trees for advertisement or storage, i.e., chaining bicycles, posting signs, etc. These types of uses are unsightly and cause damage to trees and irrigation systems. Damage caused to tree bark promotes infection in the trees and can eventually kill the tree.

FUNDING: Not applicable.


for Jack L. Ronsko
Public Works Director

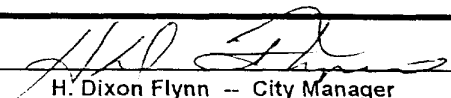
Prepared by George M. Bradley, Street Superintendent

JLR/GMB/dsg

Attachment

cc: City Attorney
Street Superintendent
Tree Operations Supervisor

APPROVED: _____


H. Dixon Flynn -- City Manager

ORDINANCE NO. 1652

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
ADDING CHAPTER 9.08 TO THE LODI MUNICIPAL CODE RELATING TO THE
PROTECTION OF PUBLIC TREES, SHRUBS AND PLANTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS
FOLLOWS:

SECTION 1. Chapter 9.08 – is hereby added to the Lodi Municipal Code relating to
Abuse and Mutilation of City Trees, Shrubs and Plants – to read as follows:

9.08.055 Protection of City Trees, Shrubs and Plants:

- A. The term “city tree, shrub or other plant” refers to those trees, shrubs and other plants which are located upon city property or within the public right of way.
- B. No person shall damage, cut, carve, transplant, remove or otherwise injure or deface any city tree, shrub or other plant.
- C. No person shall attach any rope, wire, chain, screw, nail, bicycle lock, advertising poster, or other contrivance to any city tree, shrub or other plant.
- D. No person shall allow any gaseous, liquid or solid substance which is harmful to any city tree, shrub or other plant to come in contact with said city tree, shrub or other plant or the soil adjacent thereto.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the “Lodi News Sentinel”, a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately after its passage and approval.

Approved this ____ day of _____, 1997

PHILLIP A. PENNINO
Mayor

Attest:

Alice M. Reimche
City Clerk

State of California
County of San Joaquin, ss.

I, Alice Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1652 was introduced at a regular meeting of the City Council of the City of Lodi held October 1, 1997, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____ by the following vote:

Ayes: Council Members -

Noes; Council Members -

Absent: Council Members -

Abstain: Council Members -

I further certify that Ordinance No. 1652 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form:

RANDALL A. HAYS
City Attorney